FOR MYSORE STATE

Education (1952) Department.

SERIES

G.O. NO. Rt 445 Edn.

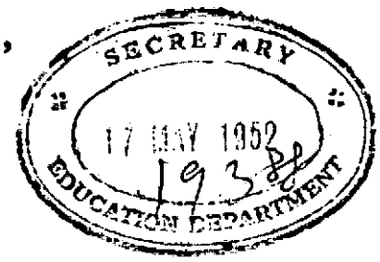
Dated 19-9-52.

[Despatch Abstract.]

Land Acquisition (South Kanara) - Mangalore Taluk - Hosbettu village - Site for the Siddya Vidyadayini High School, Surathkal - Withdrawal notification under section 48 (1) of the L.A. - Published.

From

Dr. H.L. Narayana Rao,
292, Inamdu Chetty street,
Madras.



To

The Honourable Minister for Education,
Government of Madras,
Fort St. George, Madras.

SIR,

Subject:- Land Acquisition (S.R) - Mangalore - Hosabettu village - Acquisition of 1.11 acres of private lands for School Buildings - withdrawal - Representations.

I beg to submit a Review petition praying for withdrawal from acquisition of 1.11 acres of private land in S.No.55-3-A-1 in Hosabettu village, Mangalore Taluk for the alleged purpose of constructing additional buildings for the private Vidyadayinee High School in that locality.

I am the owner of some wet lands in Hosabettu village. I am also the owner of S.No.55-3-A. The latter is a dry land required for cultivating the above wet lands by raising green manure leaves besides some dry crops. It is my intention to put up some buildings in a portion of this dry land and also start a Clinic as myself and my brothers are doctors and Dentists who have been contemplating to settle down in our native place in a couple of years' time. The area in question is the land available to us for building and cultivation purposes.

There has been a family quarrel between our family and the family of our Cousins who are now managing the School. The School has got about 14 acres of land for buildings and recreation purposes. On the false plea that none of this land was available for the proposed extension of the school my Cousin brothers, out of spite and with the sole idea of depriving us of the only dry land available to us moved the local Revenue Authorities for the Acquisition of a portion of our dry land. They originally wanted about half an acre of land to be acquired. There had however, no scheme for further extension but still they persisted in asking for the acquisition of my land. Accordingly a Notification was published under Sec.4(1) of the Land Acquisition Act on 5-9-50. At every stage we objected to the Acquisition as being unnecessary and uncalled for. In 1951 we submitted a petition to the Board setting forth, in detail, our objections to the acquisition. On this representation the Collector inspected the Site, made enquiries of both the parties and came to the conclusions that my objections are valid and that there was no need to continue the Acquisition proceedings. The Board of Revenue however, seems to have disagreed with the findings of the local Officer and my objections have been overruled. I have now received a notice under Sec.9 and 10 of the Land Acquisition Act directing me and my brothers to file a statement in writing stating the nature of our interest in the land and the amount of compensation claimed by us. We have been asked to file the statement on or before 12-5-52.

Our objections to the Acquisition are dealt with in detail in our petition to the Board of Revenue (copy enclosed). It is an accepted principle that the acquisition

under the Land Acquisition Act should not be resorted to in a routine and light-hearted manner. The interests of private individuals which are likely to be interfered with should be duly considered and sites should be chosen so as to cause minimum of expenditure, annoyance and loss consistant with the object for which the land is acquired. If the above considerations were important before the Constitution, they are doubly so after the Constitution which seeks to afford protection to private property.

The following points should also be taken into account:

(1) Whether the purpose for which the land is required is a bonafide public purpose.

(2) Whether the particular land notified is the best suited for the purpose. In the present case, it will be clear from our objection Statement that neither of the two conditions is satisfied. The Collector, as the local Authority to judge whether the Acquisition is necessary or not, has after personal inspection and enquiry considered that the acquisition was not necessary. If the Board of Revenue considered that the Acquisition was necessary the Board member concerned could have inspected the site, seen the things for himself, in which case he would have appreciated our objections. It is not clear to us on what basis the Board disagreed with the findings of the local Officer and brushed aside my objections.

To summarise,

(1) The Acquisition of the land in question, is uncalled for and unnecessary.

(2) The School has already got a large extent of land - far in excess of its requirements-and it is open

to it to extend its buildings in the land under its control.

(3) Though the School authorities wanted about half an acre in the first instance the extent of land indicated in 4(1) Notification was about one acre and now it has increased to 1.11 acres. This shows that the School authorities are not quite sure of their requirements.

(4) As already stated, the extent of land already owned by the School is far in excess of the requirements of a High School; in this connection a comparison is solicited of the extent of land available to the Hindu High School, Triplicane, the P.S.High School, Mylapore, the High School, Tambaram and many High Schools in South Kanara itself. These schools would consider themselves lucky if they had got as much as 12 acres of Government alienated land.

(5) E ven supposing that additional land is required, which we do not think it does, there is plenty of more suitable land, Government as well as privat- -- 3 sides of the School in the vicinity.

(6) There is absolutely no need either at present or in the near future, for construction of any additional buildings for the school. It is a well recognised dictum under the Land Acquisition Act that the land should be acquired for immediate needs and not for imaginary needs of the future.

(7) While the School authorities have ample alternative and more suitable sites for extending the buildings, the petitioners have only this land to settle

down after retirement and for building houses for the family which now consist of 40 members.

(8) The proposed opening of a Dispensary and a Dental Clinic by me and my brothers is as much for a public purpose as for extension of School buildings.

(9) If this portion of the land is taken there will be no direct access to the road from the remaining portion of the land.

(10) The acquisition is nothing but the continuation of a private family feud between the absentees and local residents of the family; and the Government should not, by continuing the Acquisition proceedings, help one side against the other.

In the circumstances explained above I beg to request that the matter may be given a further and thorough consideration in all its aspects. ~~It is also suggested that~~ a personal inspection will expose the motive of the School management in asking for this bit of land.

I also pray that pending final orders, you will be pleased to stay further proceedings. The matter has been pending since 1948 and the interest of the school will not in any way suffer, by a further delay involved and hence the ends of justice require that until the Government are in a position to pass final orders on this Representations, the Land Acquisition Officer should be ordered not to proceed further in the matter until orders are passed.

As the Land Acquisition Officer has fixed 12th of May 1952 for the submission of our Statement I request that telegraphic instructions may be issued to him to stay further proceedings.

In conclusion I request that the Land Acqusition proceedings may be dropped to enable me and my family to enjoy peaceful possession and utilisation of my dry land which will become unfit for our occupation and cultivation if the piece of land under question is acquired for school purpose.

Yours faithfully,

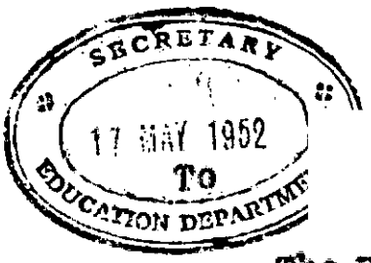
J. L. Narain Rao

MADRAS,
Dated 3rd. May, 1952.

Ed. Secy
I should like to see the file. The Rev. Dept have requested to stay the acquisition proceedings till this petition is disposed of. A report from the Divisional Inspectress of schools may be called for.
16.5.52

From

Dr. H.L. Narayana Rao,
292, Thambu Chetty street,
Madras.1.



The Honourable Minister for Education,
Government of Madras,
Fort St.George, Madras.

SIR,

Subject:- Land Acquisition (S.R) - Mangalore Hosabettu village - Acquisition of 1.11 acres of private lands for School Buildings - withdrawal - Representation.

I beg to submit a Review petition praying for withdrawal from acquisition of 1.11 acres of private land in S.No.55-3-A-1 in Hosabettu village, Mangalore Taluk for the alleged purpose of constructing additional buildings for the private Vidyadayinee High School in that locality.

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8

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under the Land Acquisition Act should not be resorted to in a routine and light-hearted manner. The interest of private individuals which are likely to be interfered with should be duly considered and sites should be chosen so as to cause minimum of expenditure, annoyance and loss consistent with the object for which the land is acquired. If the above considerations were important before the Constitution, they are doubly so after the Constitution which seeks to afford protection to private property.

The following points should also be taken into account:

(1) Whether the purpose for which the land is required is a bonafide public purpose.

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to it to extend its buildings in the land under its control.

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(4) As already stated the extent of land already owned by the School is far in excess of the requirements of a High School; in this connection a comparison is solicited of the extent of land available to the Hindu High School, Triplicane, the P.S.High School, Mylapore, the High School, Tambaram and many High Schools in South Kanara itself. These schools would consider themselves lucky if they had got as much as 12 acres of Government alienated land.

(5) Even supposing that additional land is required which we do not think it does there is plenty of more suitable land Government as well as private on 3 sides of the School in the vicinity.

(6) There is absolutely no need either at present or in the near future, for construction of any additional building for the school. It is a well recognised dictum under the Land Acquisition Act that the land should be acquired for immediate needs and not for imaginary needs of the future.

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I also pray that pending final orders, <u>you will be pleased to stay further proceedings</u>. The matter has been pending since 1948 and the interest of the school will not in any way suffer, by a further delay involved and hence the ends of justice require that until the Government are in a position to pass final orders on this Representations, <u>the Land Acquisition Officer should be ordered not to proceed further in the matter until</u> orders are passed.

As the Land Acquisition Officer has fixed 12th of May 1952 for the submission of our Statement <u>I request that telegraphic instructions may be issued to him to stay further proceedings</u>.

In conclusion I request that the Land acquisition proceedings may be dropped to enable me and my family to enjoy peaceful possession and utilisation of my dry land which will become unfit for our occupation and cultivation if the piece of land under question in acquired for school purpose.

Yours faithfully,

T.L. Narasu Rao

MADRAS,
Dated 5th May. 1952.

Copy presented to the Hon'ble Minister
for Industries & Labour, Motor Transport,
Settlement of Ex-Servicemen, Railways,
Posts& Telegraphs and Civil Aviation:
Government of Madras, Fort St.George,
Madras.

T.L. Narasu Rao

Revised Page 13/

~~SPECIAL~~.

Very urgent

Education Dept.(B)

Memo. No. 19388-B/52-3 Edn., dated 1-6-1952.

Sub:- Land Acquisition - Mangalore taluk - Iddya Vidyadayini High School, Surathkal.

Read:- G.O. Rt. No.89, Education, dated 5-3-52.

Refce:- Petition from Sri H.L. Narayana Rao, dated 3-5-52.

Referred to the D.P.I., Bd.of Rev. for very early remarks.

26.5.52

Despatched by Special Messenger from 2/6/1952

To

The D.P.I. (with encl.)
" Bd.of Revenue. 1 copy of pp. 7-12 c.f.

Copy to the Collector of South Kanara, Mangalore, (with encl.- copy of pp.7-12 c.f.)

15/13

REVENUE DEPARTMENT.

Subject.

Land Acquisition - (South Kanara) - Mangalore Taluk - Hosabettu village - S.No.55/3 A - Acquisition for the Idya Vidyadayini High School, Surathkal.

--

Station: Madras. Ref.No.I.4296/52-1. Dated 3-6-52.

From Sri C.S.Krishnamoorthy, I.A.S., Joint Secretary.
Sri W.R.S.Sattianathan, I.C.S., Commissioner of Land Revenue.

..

Read: Government Memo No.19388/B/52-3, Edn. dt.2-6-52.

REFERENCE:-

The attention of the Collector of South Kanara is invited to the Government Memo cited above (copy sent to him direct) and he is requested to offer his remarks urgently on items 5, 6, 9 and 10 of the summary of objections in the petition of Sri H.L.Narayana Rao together with the connected acquisition records.

Rhedam 3.6.52

For Joint Secretary.

To The Collector of South Kanara.

Copy to:-

The Secretary to Government, Education Department.

ADM::3-6-5

3.6

REC'D. ASSISTANT SECRETARY
10 JUN 1952
EDUCATION DEPARTMENT

17

Education Dept (B)

Sub:- Land Requisition - Mangalore Taluk
Uddya Vidyadayini High School,
Surathkal -

Ref:- Govt memo No 19388 B/52-3 Edn dt
from the Bd of Rev No. 4296/52-1 Edn dt 3 6/52

Memo No 19388 B/52-1 Edn dated 30-6-52

The D.P.I. is requested to expedite his reply to the govt memo cited above

2. The Board of Rev is requested to ~~state whether the~~ remarks of the Colr of South Kanara have been received and if so to expedite reply to the govt memo cited above

To
The D.P.I (Para 1 only)
The Bd of Rev (Para 2 only)

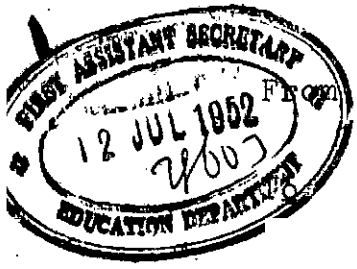
JB 26/6 AS 26/6

WB 28-6-52

Issue letter above WB 30/6

R.C.NO.550-D.6/50 17 19

Office of the
Director Of Public Instruction,
Madras-6,
Dated: 6--7---1952.



From

The Director of Public Instruction,
Madras.

The Secretary to Government,
Education Department,
Madras.

Sir,

Sub: Land Acquisition - Mangalore Taluk - Iddya Vidya dayini High School, Suratkal

W 17 ante Ref: Government Memo.No.19388-B/52-1 Edn. dated 30-6-52.

I have called for the remarks of the Divisional Inspector of Schools, Coimbatore on the matter. He has also been reminded on 16-6-52 and 30-6-52. As soon as his reply is received, a reply will be submitted to Government.

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION.

RVR 8/7/-

G.F. 82—10.39 191—7-11-49.

EDUCATION Department | Received ..... Registered .....

From (Name) | To

Designation The Director of Public Instruction, | The Secretary to Government, Education Department, Fort St.George, Madras.

Station : M A D R A S.

Enclosures: No. R.C. 550.D6/50. , dated 21st July,

FIRST ASSISTANT SECRETARY 24 JUL 1952 EDUCATION DEPARTMENT

Sub: LAND ACQUISITION--Mangalore Taluk--Iddya Vidyadayini High School, Suratkal.

Ref: Government Memo No.19388-B/52-3 Education, dated 2--6--1952.

***

I enclose a copy of the letter RC.No.2545.B1/51 dated 21--6--1952 of the District Educational Officer, South Kanara, which explains the position clearly. In the circumstances reported in his letter, the proposed acquisition of the land is not necessary. The acquisition is therefore not recommended.

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION.

Pnm.22.7.

Copy of letter RC.No.2545-B1/51 dated 21-6-1952 from the District Educational Officer, South Kanara, Mangalore addressed to the Divisional Inspector of Schools, Coimbatore and copied to the Director of Public Instruction, Madras.

***

Sub: LAND ACQUISITION--Mangalore Taluk--Vidyadayini High School, Surathkal.

Ref: Proceedings RC.No.550-D6/50 dated 10-5-52 and 5-6-52

***

I have the honour to report that the stage at which the acquisition proceedings now stands is that a notification has been caused to be published on page 236 of Fort St.George Gazette, Part I.B. dated 11-3-52 empowering the Revenue Divisional Officer, Mangalore to take order for the acquisition of the land.

With regard to the necessity for the acquisition of the land, I have enclosed a sketch of all the lands belonging to the school. The extent of the lands is furnished below:

Site of Schools and Hostel Buildings	2.59 acres	2.59.
Playground	7.40 acres	
Cocoanut to	3.55 acres	
Fruit Garde	0.84 acres	
TOTAL:	14.38 acres	

3 Possessing as the school does 14.38 acres of land, I see no need to acquire more lands for the school.

I inspected yesterday the land proposed to be acquired. It has not been measured out correctly, but is estimated at 1 acre, might be a bit more or less. It was said by the management that they wanted it to add one more block to the

school buildings to provide for the following needs.

(1)	For holding the training class for the pupils who had taken teaching practice in their High School course	... 1 Room
(2)	For the school Library & Reading Room	... 1 "
(3)	For class room for Home Craft Teaching	.... 1 "
(4)	For a Girls' Retiring [illegible]	... 1 "
(5)	For Language Class.	... 1 "
	Total	.. 5 Rooms.

5 I have enclosed a ground sketch of the existing buildings. The Library and Girls' Room are already provided for. The other needs could also be managed in the available existing accommodation, but if the management is willing to provide extra accommodation it is to be welcomed.

6 But there is absolutely no need to acquire new lands for providing the additional accommodation. Besides, the land which is proposed to be acquired to construct the new block is the wrong place to build it being behind the existing buildings. The management might very well build it parallel to either of the existing side wings for which there is every facility needed. Built here, the new block would not only give the school buildings a more imposing and pleasing appearance; for greater control and effective supervision too it is on the side that the new block should be built and not behind the existing buildings. The proposed acquisition is by no means necessary and is not recommended.

sd...
District Educational Officer,
South Kanara.

(true copy)

2/2 N. Rao 22/7

for Director of Public Instruction.

Pnm.22.7.

27

Revenue Department.
Subject.

LAND ACQUISITION - Mangalore Taluk - Iddya Vidyadayini High school, Surathkal.

***

Ref.I.4296/52.

Station: Madras. Dated 22.7.52.

From

Sri C.S. Krishnamoorthy I.A.S.,
Joint Secretary, Board of Revenue, Madras.

--

Sri W.R.S. Sattianathan I.C.S., Commissioner of Land Revenue.

Read:- Government Memo.No.19388/B.52.1 Edn. dated 30.6.52.

Reference:-

The report of the Collector of South Kanara was received on 15.7.52 and it is under scrutiny. The Board's reply will be submitted to the Government shortly.

For Joint Secretary.

To the Secretary to Government, Education Department, Madras.

ADN.22.7.

FIRST ASSISTANT SECRETARY
25 JUL 1952
EDUCATION DEPARTMENT

Land Acquisition. Mangalore Taluk. Certain sites for Iddya Vidyadayini High School, Surathkal.

p21/f From the D.P.I. Rc. No. 550 D6/50 dt 21.7.52
p23/f From the Board of Revenue Ref. I. 4296/52 dt 22.7.52

Memo No. 19388 B/52-5 Edn. dt 26.7.52

p21/f A copy of the letter Re. No. 550 D6/50 dt 21.7.52 from the D.P.I., on the above subject, is ~~referred~~ Communicated to the Board of Revenue for ~~necessary records~~ information in

p13/f continuation of Govt. Memo No. 19388 B/52-3 Edn. dt 26.6.52

To
The Bd of Revenue
with copy of Pp 21-22/f
D.P.I.

Dupd 26/7

Sd/ 26/7/52

Sd/ 26/7

26.7.52

Sd/ 26/7

27

Land Acquisition - Mangalore Taluk - Siddya Vidyadayini High School, Surathkal.

p23c From the Board of Revenue, Ref. No. I.4296/52 dt 22-7-52.

Memo No 19388 B/52-6 Edn. dt 8-8-52.

The Board of Revenue is requested to ~~furnish~~ state ~~its reply~~ / final reply ~~in the matter~~ may be expedited

Vide p23c

7/8/52.

7/8

8/8/52

The Bd of Revenue

8/8

REVENUE DEPARTMENT.

Subject

Land Acquisition- (S.Kanara)-Mangalur Taluk- Halagaya Vidyadaini High School, Surathkal- Acquisition of land for a school buildings-

- -

Station: M a d r a s. Ref.I.4296/52 Dated: 11.8.52

From

Sri C.S. KRISHNAMOORTHI, I.A.S.,
JOINT SECRETARY, BOARD OF REVENUE.

Sri W.R.S. SATTIANATHAN, I.C.S.,
COMMISSIONER OF LAND REVENUE.

*****

FIRST ASSISTANT SECRETARY
14 AUG 1952
3578
EDUCATION DEPARTMENT

Ref: Govt. Memo No.19388-B/52-3 Edn.2.6.52.
From Sri L. Narayana Rao dated 7.7.52.
From the Collector of S.Kanara Ref.B.1-30864/51 d/9.7.52
Govt. Memo No.19388 B/52-5 Edn.d/26.7.52.

REFERENCE:-

The Board submits that in the circumstances stated in the Director of Public Instruction's letter communicated with Govt. Memo second cited above and a further examination of the matter, it is of the opinion that the acquisition need not be proceeded with. Draft with-drawal notification under Sec.48(1) in duplicate are submitted for publication in the Fort St.George Gazette.

FOR JOINT SECRETARY.

To

The Secretary to Government
Education Department
with notification in original

SV: 11.8.

(33)

Ref.C.No.B1-30864/51

South Kanara Collector's Office,
Mangalore, Dated 21-11-1951.

From

Sri. A. R. Rajaratnam, B.A.,
Collector of South Kanara.

To

The Secretary to Government,
Education Department,
Fort St. George, Madras

Through

The Secretary to the Board of Revenue
Land Revenue. Chepauk, Madras 5

BOARD OF REVENUE
22 NOV 1951
MADRAS

9369

Sir,

LAND ACQUISITION (South Kanara District) Mangalore Taluk - Hosabettu village - S.No.55/3A1 for the construction of a building for the Iddya Vidyadayini High School - withdrawal notification under section 48(1) of the Land Acquisition Act - submitted.

Ref: From the Board of Revenue Ref. I 2827/51-3 dated 16-10-51.

I submit herewith draft withdrawal notification under section 48(1) of the Land Acquisition Act for the approval of the Government and publication in the next issue of the Fort St. George Gazette.

Yours faithfully,

For Collector.

ks/24-11

Withdrawal From Acquisition of Land

Under section 48(1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition (Amendment) Act XXXVIII of 1923, ~~His Excellency~~ the Governor of Madras hereby withdraws from Acquisition of lands mentioned below notified for acquisition under section 4(1) of the Land Acquisition Act published as notification No.157 at page 572 part I-B of the Fort St. George Gazette dated 5th September 1950 as required for the construction of buildings for the Iddya Vidyadayani High School Surathkal.

South Kanara District Mangalore Taluk No.51 Hosabettu village.

Ryotwari Dry S.No.55-3A1, belonging to H. Laxmaniarayana Rao residing at House No.292 Thambu Chetty Street, Madras - one (1-0-0) acre.

S.K.Collector's Office,
Mangalore, Dated 21-11-51.
ks/24-11

For Collector.

36/

Land Acquisition - (S. Kanara) - Mangalore Taluk - Iddya Vidyadayini High School, Surathkal - Acquisition of certain lands.

From the Collr. of South Kanara Ref. B1 - 30864/51 dt. 9-7-52 addressed to the Bd of Rev.

From the Board of Revenue, Ref. I. 4296/52 dt 11-8-52.

Memo No 19388 B/52-8 Edn. dt 22-8-52.

The Collector of South Kanara is requested to report very urgently whether the withdrawal from the acquisition proceedings, referred to above, at this stage will entail the payment of any compensation to the owners of the sites in question and if so the collector to

R. 35

~~the collector is requested to repat~~ the amount of compensation ~~that will have to be paid~~ to the owners will be

21/8/52 21/8

22.8.52

To

The Collr. of S. Kanara

copy to the Board of Revenue

Edn. (B)

Land Acquisition - (S. Kanara) - Mangalore Taluk - Iddya Vidyadayini High School, Surathkal - Acquisition of certain lands.

Memo No 19388 B/52-9 Edn dt 2-9-52.

The Collector of South Kanara is requested to expedite his reply to Govt Memo no 19388 B/52-8 Edn. dt 22-8-52 on the above subject

pp 35-36f

Dpd 4/9/52

29/9/52

29/9/52

To.

The Collector of South Kanara.

Ref.Dl.30864/51. 34/13 KANARA COLLECTOR'S OFFICE
MANGALORE DATED 2--9--1952.

From

Sri C.A.Ramakrishnan, I.C.S.,
Collector of South Kanara.

To The Secretary to the Government
Education Department,
Fort St.George,
MADRAS-9.

Sir,

LAND ACQUISITION -- (South Kanara) -- Mangalore Taluk Iddya vidyadayini High School Surathkal -- Acquisition of certain lands -- Report.

-----:o:-----

M 35-36 ante Ref:- Government Memorandum No.19388/B/52-8 Education dated 22.8.52.

-----:o:-----

The plot sought to be acquired has not been taken possession of. No damages have been incurred on account of the Land Acquisition Proceedings. The owner of the plot has already built a house in the plot proposed to be acquired and has rented it out. The withdrawal from the acquisition proceeding at this stage will not entail the payment of any compensation to the owners of the sites in question.

Yours faithfully

For Collector.

SR/5-9

Land Acquisition - (South Kanara) - Mangalore Taluk - Hosbettu village - Site for the Siddja Vidyadayini High School, Surathkal - Withdrawal notification under section 48(1) of the Act - Published

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Not put up

Read :- G.O. Rt. No. 296 Edn. d/ 23-8-50

G.O. Rt. No. 89 Edn. d/ 5-3-52

pp 1-6 of (H)

From Dr. H.L. Narayana Rao, 292, Thambu Chetty Street, Madras, petition d/ 3-5-5

pp 21-22 of

From the D.P.I. Rc. No. 550 D6/50 d/ 21-7-52

pp 29 of

From the Board of Revenue, Ref No. I. 4296/52 d/ 11-8-52.

pp 39 of

From the Collector of South Kanara, Ref. B1. 30864/51 d/ 2-9-52.

Order / Rt

G.O. Edn. d/ 18.9.52

pp 21-22 of

Orders on pp 12 of

In the circumstances stated in the letter from the D.P.I., cited above and on a further examination of the matter, the Government have decided that the acquisition of certain sites for the

[O.T.2

for the Siddya Vidyadayini High School, Swathkal, need not be proceeded with. The draft withdrawal notification under section 48(1) submitted by the Board of Revenue is approved and forwarded to the S.G.P. for publication in the Fort St. George Gazette.

16/9/52

6922

To

The Board of Rev
(with enclosures retd)

The S.G.P. with
draft notfn. for
publication in the FSG

The D.P.I.

Re objn. of S. Kanara
[illegible]

D.V.K. Naraya Rao
292, Nambi
Chetti
Madras

Education Dept.(B).

Ref:- From Dr. H.L. Narayana Rao, No.292, Thambu Chetty Street, Madras, petition dated 3-5-52.

Sub:- Land Acquisition - Mangalore taluk - Iddya Vidyadayini High School, Surathkal - ~~Land acquisition~~

Extract of the minutes of H.M.(Edn.) on the current.

Edn. Secy.

I should like to see the file. The Rev. Dept. to be requested to stay the acquisition proceedings till this petition is disposed of. A report from the Divisional Inspector of Schools may be called for."

M.V.Krishna Rao,
16-5-52..
H.M.(Edn.)

Dr. H.L. Narayana Rao has raised objections in his above petition, to the acquisition of certain lands for the Iddya Vidyadayini High School, Surathkal, South Kanara Dt Orders have been issued on the question of acquisition, in G.O.Rt. No.89, Education, dated 5-3-52. The objections raised by Sri Rao were before the Government, when they passed orders regarding the acquisition. The facts of the case are briefly explained below.

In August 1950, the Govt. approved the proposa of the Collector of South Kanara for the acquisition of certain lands (belonging to Dr. Narayana Rao) for the Vidyadayini High School, Surathkal. During the enquiry conducted, Sri Rao and others objected to the acquisition on the following grounds:-

(i) That the plot in question was required for growing green manure, sweet potatoes, horsegram and vegetables;

(ii) that the foundation for the construction of a house was already laid in the plot;

(iii) that Govt. land was available in the locality and (iv) that the buildings proposed to be put up were already under construction in the lands owned by the management.

The Collector of South Kanara, first held the view that the objections were not tenable. He subsequently revised his opinion on the ground that the management could extend the buildings of the school without encroaching upon the properties of Dr. Rao. The Bd. of Revenue however recommended that the objections raised by Mr Rao should be over-ruled. Accordingly, orders were issued directing the publication of ~~the draft~~ declaration under Section 6 of the Land Acquisition Act.

2. The file may be submitted to H.M.(Edn.) with reference to his minutes extracted at p.1 ante. A draft Memo. asking the Collector of South Kanara not to proceed with the acquisition of the lands is also submitted. H.M. has ordered that a report should be called for from the Divl. Inspector of Schools. Presumably, a reference should be made to the D.P.I. As the Director is not aware of the correspondence relating to the acquisition of lands for the school, it is for consideration whether he should be addressed now, for any report.

5.55 PM.
17.5.52

7/5/52

Rev. may see before some orders issue.
17.5.52

Rev.

Meantime a telegram may be sent to the Coll. requesting stay of proceedings pending further orders
17.5.52.

Where this stage arises such a stay can be effective? Unless it is such a stage, this order cannot be given effect to

Rev

(Master keep in mind & telegram

C.No. 21857 c/52

To A.S.

The Education department note on pp 1-2 and the draft memo and the telegram below may be perused. It would appear from the petition in the C.J. that the land has not been taken possession of. In that case a stay will be effective in these remarks the file may be returned to Edn

× on p 5 C.J.

Sd/ 17/5/52

S
Edn.

Govt. are at liberty to withdraw from the acqn. of any land in which possession has not been taken eventhough the award may have actually been passed. It is presumed that in the case the land has not been taken possession of. If so, stay will be effective.

Withdrawal from acqn entails the ability for the payment of Compensation for any damage which the owner may have suffered

para Chapter XXIX p 130 of A-Manual

para 4 p. 131 ibid

17.5.52

Sd/
17/-

Revenue 31887 G
18/5/52

2nd Deptt

In the circumstances explained by the Hon Deptt. the issue of stay orders in the cases will have the desired effect. For orders as to the issue of the draft of memo

FIRST ASSISTANT SECRETARY
18 MAY 1952
19415
EDUCATION DEPARTMENT

Telegram to the Collector.

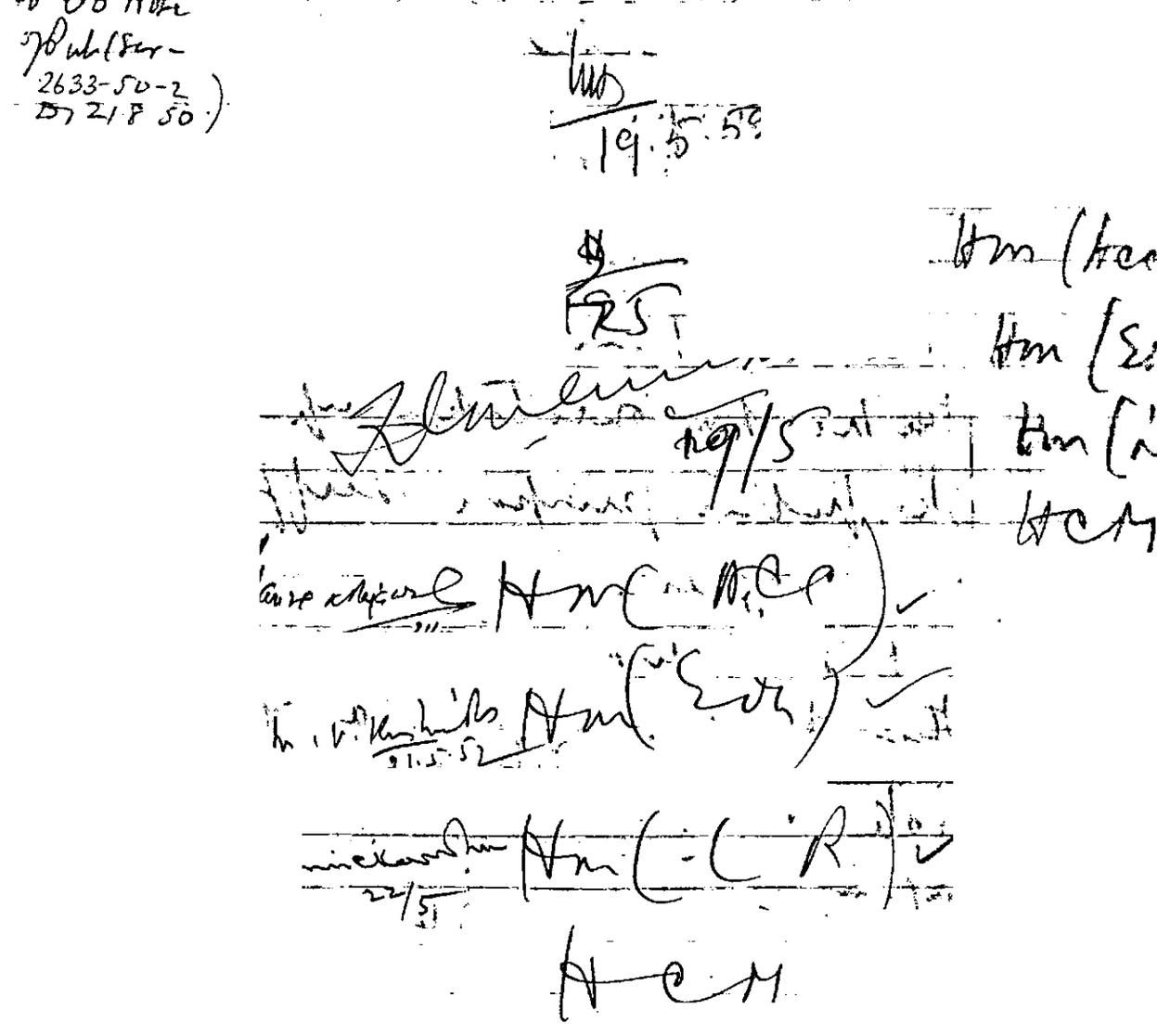
22/
19/5

The case relates to the objections raised to the acquisition of one acre of land for the construction of buildings for a private High School in the Mangalore Taluk in South Kanara Dt.(Iddya Vidyadayini High School, Surathkal) sanctioned by the Government in the G.Os. at (P) and (H) below. The land-owner objects to the acquisition on the ground that the plot is required by him for growing green-manure, sweet-potatoes, horsegram and vegetables and that he is a Dentist & proposes to settle down in his place & open a Clinic - He also sta ~~or other more suitable land is available and therefore~~ that the School has already a large extent of land this acquisition is unnecessary. Though the Collector originally proposed the acquisition, later on, after further inspection, he seems to have come to the conclusion that the school has got sufficient land on all the three sides for the purpose of their extension, that the management of the school has at present no funds for a new scheme and that if they wanted to provide additional accommodation they can draw up new plans and estimates and embark on a new scheme of construction of additional blocks later on In the result, his view was that it is unnecessary to acquire more land for the school. As the Board did not agree, the acquisition was proceeded with.

The land-owner has submitted a petition to the Govt. objecting to the acquisition. H.Ms.(Edn.) and (I.& L) have made minutes as on pp:6-7 c.f., and H.M.(Edn.) has ordered that the Revenue Dept. may stay the acquisition proceedings till this petition is disposed of and that a report from the Divisional Inspector of Schools may be called for. In view of the objections of the land-owner and in the light of the further remarks of the Collector referred to above, it is proposed to look into the matter again and decide whether the acquisition

is essential for the school. For this purpose, it is proposed to stay the proceedings temporarily until furth orders on the petition now presented are passed. The drafts below to the D.P.I. and the Collector, are for approval.

H.M.(Acc.), H.M.(Edn.), H.M.(L.R.) and H.C.M. may se



petition may be disposed of after getting reports. Stay orders. Time are instances of District authorities that Govt. are pressurised by the ~~Govt~~ Objectors' claims & arguments and they are not keen to maintain the position once taken up. The public purpose suffers in consequence.

H M's wish may see this & excuse my jarring note & decide whether not Come to the rescue of Rajya Sabha claim.

4.5.52

In view of the above orders the original draft is not going

A revised draft memo calling for the very early Recommendation of the Board of Secondary Education submitted for approval

Rev may see before further Circulation

26.5.52

Edn. U.O. 19388-B/52
26/5/52

Rev

6
29/5

No. 14384-B/52

Rev. dept

To A.S.

This department last saw the file on page 3 ante. The further notes and the orders in circulation on pp 4-6 ante and the draft memo below may be perused and the file returned to Education.

Rly
27/5/52

27.5.52

28/5

Ed:

Rev no 36077 C/52-1
28/5/52

FIRST ASSISTANT SECRETARY
26 MAY 1952
21026
EDUCATION DEPARTMENT

HM's may see. HCM's minute on pages 5-6 ante. In view of the orders contained in that minute no stay order will be issued but the petitioners objections will be considered on merits after obtaining reports from the Board & Rev. & the D.P.I. A draft memo. submitted for approval -

N Visvanathan
A.S. 28.5.52

SECRETARY
31 MAY 1952
EDUCATION DEPARTMENT

Am not impressed by the objections but however we may see the Board's reports & orders thereon.

Hon (Edn.)
28/5

Hon (Edn.)

Hon (Edn.)

Hon (Edn.)

From the Govt. Revenue dt. 4296/52-1 & 2/6/52 p15cf

Submitted.

The DPI will be reminded

20/6/52

11.6.52

A draft memo to the D.P.I. submitted for approval.

28/6/52

[Issued as Memo No. 19388 B/52-1 Edn. dt/ 30-6-52] p17cf

No. 28603. From the D.P.I. Re. No. 550-D6/50 dt/ 6-7-52. p19cf

Please see the interim reply from the D.P.I at p19cf.

The Director and the Board of Revenue may be reminded

1/7/52

16/7/52

C.No. 30817 From the D.D.P.I. Re. No. 550 D6/50 dt/ 21.7.52. p21cf

C.No. 31004 From the Board of Revenue Ref I. 4296/52 dt/ 22.7.52 p23cf

The file deals with the petition from Dr. H.L. Narayana Rao, Thambu chetty street, Madras for a reconsideration of the orders in G.O. (Rt) No. 89 Edn. dt/ 5.3.52, overruling his objections to the proposal to acquire certain sites for the Siddya Vidyadayini High School, Swathkal. The petition was referred to the Board of Revenue and the D.P.I. for remarks in the first instance. In an interim reply the Board has stated that the collector's report has been received and that the final remarks will be submitted shortly. p7-12cf (H) p13cf p23cf

2. The remarks of the D.P.I. have been received and will be found at p21cf. The Director has forwarded p21cf

pp 21-22 of a copy of the letter from the D.E.O. who after an inspection of the school considers that there is no need to acquire more lands for the school. The D.E.O states that the existing accommodation is adequate for the school and that even if the management is willing to provide extra accommodation it will not be necessary to acquire new lands for putting up the new block. He therefore does not recommend the proposed acquisition. The D.P.I. agrees with this views and he also does not recommend the proposal.

X on p 21 of
Para 5 on p 22 of
Para 6 on p 22 of
ibid
p 21 of

3. In the circumstances it is for orders whether the ~~question should be~~ further report of the Board of Revenue ~~old~~ could be awaited before coming to a decision on the question. Attention is in this connection solicited to Ref I. 28,27/51-5 dt. 30.1.52 from the Board of Revenue wherein it was stated that the acquisition of the land is necessary as the proposed buildings ~~could~~ could not be constructed on the lands already owned by the management. A copy of the letter from the D.P.I. may perhaps be sent to the Board of Revenue for ~~reminder~~ information in continuation of Memo No. 19388 B/52-3 Edn. dt 8-6-52. A draft memo is submitted below for approval.

p 9 of (H)

p 13 of

~~4. For orders as to circulation of the Dept.~~

7/52

26.7.52

26/7

[Issued as Memo No. 19388 B/52-5 Edn dt 26-7-52]

p 25 of

The final reply has not yet been received from the Board of Revenue. It may be reminded. The draft below is for approval.

7/8/52

8/8/52

[Issued as Memo No. 19388 B/52-6 Edn. dt 8-8-52]

p 27 of

C. No. 35182 From the Board of Revenue. Ref I. 4296/52 dt/ 11-8-52. p29f

The Board of Revenue has now reported that in p29f
he circumstances explained in the D.P.I's letter and on a pp 21-22f
urther examination of the matter, the proposal for the p29f
equisition of certain lands for the Vidyadayini High School,
Surathkal, South Kanara, need not be proceeded with. The
Board has also submitted the draft withdrawal notification ✓ pp 31-33f
nder section 48(1) of the L. Acquisition Act for publication in
he Fort St. George Gazette. In view of the fact that the
oard of Revenue has agreed with the D.P.I. that the acquisition p29f.
eed not be proceeded with, it is for orders whether the proceedings
ay be dropped and the ~~drawal~~ withdrawal notification
pproved and sent to the S.G.P. for publication in the Fort St
eorge Gazette.

This may be done
19.8.52

2. Revenue may see for remarks if any prior to
irculation.

8/8/52 18/8

19.8.52

Rev

19.8

Rev

Rev Dept

SECOND ASSISTANT SECRETARY TO GOVERNMENT
19 AUG 1952
REVENUE DEPARTMENT

19-8-52

To AS.

The notes on pp 9-10 ~~may~~
may be perused. No special remarks
seem called for. The file may be
returned to E Dn

21/8/52

It is presumed that the withdrawal
case will not entail the payment

p 24 of Manual

p 131 of Manual

of any compensation to the owner -- pl see Sec 4-8(2) of the land Acquisition and para 4 of Ch XXIX of Land Acqn Manual which may verify

21-8-52

Rev no 5.9313C
21/8/52

Consult Collr of S.K.
21/8

FIRST ASSISTANT SECRETARY
21 AUG 1952
3629
EDUCATION DEPARTMENT

Edn (B)

Please see the notes of Revenue above. The collr of South Kanara may be consulted whether the withdrawal will the payment of any compensation. A draft memo is submitted below for approval.

21/8 22/8

22-8-52

Issued as Memo No 19388/B/52-8 Edn dt 22-8-52

pp 35-36 of p 39

C No 3854/2 From the Collector of South Kanara
Ref B.1. 30864/51 dt 2-9-52.

pp 7-12 of (H)/p 51 of

The file deals with the petition from Dr. H.L. Narayana Rao, Thambu Chetty Street, Madras for a reconsideration of the orders in G.O. Rt No 89 Edn dt 5-3-52, over ruling his objections to the proposal to acquire certain of his lands for the Vidyadayinee High School, Surathkal, South Kanara. The orders in G.O. Rt No 89 Edn dt 5-3-52 were based on the recommendations of the Board of Revenue which considered the acquisition necessary for the School.

(H)/p 51 of

Z on p 9 of (H)

pp 7-12 of

p 13 of

2. The present representation from the petitioner was referred to the D.P.I. and the Board of Revenue

remarks. The D.P.I. has forwarded a copy of the letter from the D.E.O. South Kanara, who after a personal inspection of the school considers that there is no need to acquire more lands for the school. He states that the existing accommodation is adequate and that even if the management desires to provide additional accommodation it can do so without acquiring new lands. The D.P.I agrees with this view and he does not therefore consider the present acquisition necessary for the school. The Board of Revenue has, on a perusal of the Director's letter, reviewed the entire case and has now recommended that the proposal for the acquisition of the lands in question for the Vidyadayini High School, Surathkal, need not be proceeded with. The Board has also submitted the draft withdrawal notification under section 48(1) of the Land Acquisition Act for publication in the Fort St George Gazette. In the circumstances explained ~~by the Deptt~~ it is proposed to accept the recommendation of the Board of Revenue that the proceedings may be dropped. The Revenue Deptt has agreed to this proposal. It has been ascertained from the collector of South Kanara that the withdrawal from the acquisition proceedings at this stage will not entail the payment of any compensation to the owners of the sites in question. In the circumstances, the file may be circulated to M (Acc), M (Edn), M(L.R), M(P&L) and C.M. for orders whether the land acquisition proceedings may be dropped and whether the withdrawal notification may be approved and sent to the S.G.P. for publication in the Fort St. George Gazette.

p21 cf
pp 21-22 cf
X on p21 cf
pairs 5-6 on p22 cf
p21 cf
p29 cf
p29 cf
p29 cf
p31 cf
p10 ante
p11 ante
p39 cf

17
9/9

SECRETARY
16 SEP 1952
EDUCATION DEPARTMENT

8/9/52 V 8/9

The proposed Acquisition may be dropped in view of the D.P.I's & the Revenue Board's Reports & the Notification for the Withdrawal

pages 21-22 & p29 cf
p33 cf

above may be agreed to

published

N. Viswanathan
14.9.52

M (Acc)
M (Edn)
M (L.R)
M (P&L)
C.M.

12/9

Please see the orders in circulation at p/l ante. A draft order is submitted below for approval. It may be sent to Rev. U.O. for perusal

16/9/52 16/9

16/9/52

SECOND ASSISTANT SECRETARY TO THE
16 SEP 1952
93379C
REVENUE DEPARTMENT

Rev U.O. No. 19388 A&S2-9Edn. 16/9/52

Rev Dept

To A&S N.Rs from middle of para 11 and draft order below may be passed as in case returned of Edn

16/9/52 17

17/9/52

Edn

Rev U.O. 93379C 17/9/52

FIRST ASSISTANT SECRETARY
17 SEP 1952
40197
EDUCATION DEPARTMENT

Edn (B)

The draft order below may now

17/9/52 17/9

17/9/52